

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:06-HC-2222-BR

UNITED STATES OF AMERICA,

Petitioner,

v.

ANDREW RED STAR,

Respondent.

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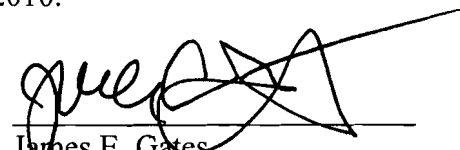
ORDER

This case comes before the court on the amended¹ motion (D.E. 44) by respondent for appointment of Leonard A. Bard, Ph.D. as an additional mental health examiner for respondent pursuant to 18 U.S.C. §§ 4247(b) and 4248(b) and the court's Standing Order on cases arising under 18 U.S.C. § 4248, 10-SO-01 ("Standing Order"). The government filed a response (D.E. 47) indicating that it takes no position on respondent's motion.

When, as here, the court orders a psychiatric or psychological examination of the respondent in proceedings under § 4248 and designates an examiner to conduct such examination, § 4247(b) authorizes the appointment of an additional mental health examiner selected by the respondent. 18 U.S.C. § 4247(b). Similarly, the Standing Order authorizes the appointment of "up to two additional mental health examiners of the respondent's choosing." Standing Order ¶ 2. In accordance with these provisions, the court hereby GRANTS respondent's amended motion and APPOINTS Leonard A. Bard, Ph.D. as an additional mental health examiner for respondent of his choosing.

¹ Respondent filed an amended motion to include the curriculum vitae of the proposed expert witness, which had been omitted from the original motion (D.E. 43).

SO ORDERED, this 6 day of December 2010.



James E. Gates
United States Magistrate Judge